

Excerpts
Planning Commission Minutes
September 11, 2002

Application No. ZM-68-02, Ned's Marine & Auto Center: Request to amend the York County Zoning Map by reclassifying from R13 (High-Density Residential) to conditional GB (General Business) approximately 2.16 acres of land located on the rear portion of the 2.85-acre property located at 2113 and 2115 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 37-7 and 37-7A. The applicant has voluntarily proffered to construct a 6'-8' privacy fence and provide a Type 25 (25') transitional buffer along the side property lines.

Mr. Tim Cross, assisted by audio and video presentations, summarized the staff memorandum to the Commission dated September 3, 2002. Mr. Cross noted that the County had cited the applicant for storing boats at the rear of his property in violation of the Zoning Ordinance. The staff recommendation is for modified approval from the applicant's request, Mr. Cross advised, by extending the depth of GB zoning by 280 feet for a total depth of 475 feet from Route 17, providing a storage area limited to the existing cleared area behind the business.

Ms. White asked if the adjacent neighbors were notified of the application, to which Mr. Cross responded that the staff mailed letters to all of them explaining the nature of the request. He further stated that staff has received three calls and an email; two of the callers recommended denial, he said.

Mr. Semmes asked if the depth of the proposed GB zoning would be greater than that of other GB-zoned parcels on that side of Route 17. In response, Mr. Carter thought that to be the case and further noted that the property in question was "an anomaly" because it is much deeper than neighboring parcels.

Mr. Ptasznik inquired as to the use of the property remaining behind the GB area that is not a part of the requested rezoning or the staff recommended area. Mr. Cross advised that until there is a specific plan for using the rear portion that would complement the wooded, residential area that it adjoins, no action would be taken on that portion of the property. Mr. Ptasznik asked if an eight-foot fence would hide the storage area from view of the neighbors and Mr. Cross said the fence should be adequate. In reply to Mr. Simasek, Mr. Cross added that the portion of the property in question is landlocked.

Mr. Simasek asked if the rezoning to GB were to be approved, would the classification remain on the property if it is sold or if converted to another use. Mr. Cross noted that the proffers submitted by the applicant preclude its use for anything other than boat storage and the conditions run with the land.

Mr. Heavner asked if the County has control over the type of transitional buffer and Mr. Cross said the applicant would plant the types of vegetation required by the Zoning Ordinance, some of which will ultimately grow taller than six feet.

The Chair opened the public hearing.

Mr. Lewis N. Lipscomb, Jr., 2115 George Washington Memorial Highway, owner of Ned's Marine and Auto Service, noted that his application is not related in any way to any other commercial development proposals, as apparently had been believed by some of his neighbors. Mr. Lipscomb said he wanted to be able to use the property on which he has paid taxes for 12 years. He has talked with some of his neighbors and there are basically three neighbors to the left of his property that seem to be opposed to what he wants to do, he said. Mr. Lipscomb reported that he has cleared the area to the rear of his property and tries to keep it clean and free of snakes and mosquitoes. He acknowledged there are some boats in the area that were left for repair subsequent to which their owners filed for bankruptcy or moved from the area. He has allowed children from the neighborhood to play around the boats, he said. Mr. Lipscomb mentioned neighbors along Byrd Avenue who are opposed to having a buffer between their fence and his because the property is densely wooded. The neighbor at 106 Oak Street, he added, wants a fence between her property and his. He said he will work with everybody and will build whatever size fence the County requires, six or eight feet. The applicant said he has conducted business in York County for 12 years as the only marine dealer on the Virginia peninsula, and further that he has no intention of cutting trees to clear the rear portion of his property.

Mr. Hendricks asked Mr. Lipscomb if he is aware of the County's recommendation to extend the conditional zoning to only a portion of the property. Mr. Lipscomb said he is aware of that but is not necessarily in favor of it. Mr. Hendricks asked if the staff recommendation is acceptable and would allow the applicant to conduct business as usual. Mr. Lipscomb said yes, and that he just wants to utilize his property.

Ms. Rhonda Cooper, 108 Oak Street, stated that she has resided on Oak Street for many years. Her major concerns included trees and limbs having been pushed by the applicant from his property onto hers in February 2001, which she believed to have been the most recent clearing. She stated that the applicant had stored many items behind his property and near hers, including a horse and a goat. An increase in storage usage has occurred over the last year, Ms. Cooper continued, and the applicant has cleared even more property for more storage area. She said that of 15 property owners concerned, only six actually adjoin the applicant's rear property and three have called staff with their concerns. She said the mosquitoes are unbelievably bad on her property and she assumes that water stands in the boats in the storage area although she has not checked to see if that is the case. Ms. Cooper expressed concern that the applicant might sell the property for another commercial use.

Mr. William T. Claiborne, Jr., 118 Oak Street, said the Commission several years ago conducted a similar meeting to consider a request to rezone the same property, and the Board of Supervisors ultimately denied that application because of concerns registered by residents of Byrd and Oak Streets. He said he agrees with statements made by his neighbor and mentioned the eyesore of the "boat graveyard" from people's back yards. **Mr. Claiborne did not believe**

any fence would be tall enough to protect the view of the storage area from all of the surrounding residents. He also said there are "some boats in the trees."

Mr. Richard Toth, 205 Trinity Drive, said his primary concern is the possibility of adding another junkyard to those already on Route 17. He spoke further of possible risks to children who are allowed to play on the stored boats.

Mr. Danny Cooper, 108 Oak Street, said the sight from his backyard is disgusting. He said he had asked Mr. Lipscomb to put up a fence, but that he never installed one. He said he does not want to live next to a boat junkyard and requested denial of the application.

Seeing no one else who wished to speak on this application, Chair Hendricks closed the public hearing.

Mr. Semmes believed that to convert the property to a boat storage yard would do the neighbors a disservice, and further that granting the rezoning would be counter to the County's goal of eliminating eyesores along Route 17. He did not believe the proposed use to be an adequate justification to rezone the property and could not support approval.

Mr. Barba said he believed adequate fencing could improve the site and in that event could vote in favor of the staff recommendation.

Mr. Simasek agreed with the comments made by Mr. Semmes, and added that making the land fit its present use would not be fair to Mr. Lipscomb's neighbors. He did not support approval.

Mr. Heavner asked why the boats are being stored there now. **Mr. Lipscomb** answered that the boats are being held because of their various owners' bankruptcies, and that all of them are for sale.

Mr. Ptasznik asked if the land behind the property in question could accommodate a new residence. Mr. Cross said the rear portion is landlocked, and that additional property would have to be acquired.

Mr. Ptasznik said he does not encourage the establishment of a boat graveyard and could not support approval.

Mr. Semmes asked if current zoning allows the storage of boats as they are being stored now, and Mr. Cross said the Zoning Ordinance does not permit boat storage on the property in question.

Mr. Hendricks and Mrs. White each noted they were not in favor of approval, but if it were to be approved Mr. Hendricks would recommend the staff recommendation instead of the applicant's request.

Resolution No. PC02-30

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the 11th day of September, 2002:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO RECLASSIFY THE REAR PORTION OF THE PROPERTY LOCATED AT 2113 AND 2115 GEORGE WASHINGTON MEMORIAL HIGHWAY FROM R13 TO GB SUBJECT TO CONDITIONS

On motion of Mr. Semmes, the resolution was denied by a vote of 1:6.

PPL
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